

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DESIRAY J. ALLEN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-19-588-G
)	
SCOTT CROW,)	
)	
Respondent.¹)	

REPORT AND RECOMMENDATION

Petitioner—a state prisoner seeking habeas relief under 28 U.S.C. § 2241 and appearing pro se,²—has submitted an application for leave to proceed in forma pauperis and supporting affidavit. *See* Doc. 7. Having reviewed that application, the undersigned finds Petitioner has sufficient funds to prepay the \$5 filing fee. Specifically, Petitioner’s funds include \$141.56 in his institutional savings account. *See id.* at 3. Because Petitioner has not shown that he is entitled to authorization by this Court to proceed without prepayment of the

¹ The Clerk of Court is directed to substitute Scott Crow, Interim Director of the Oklahoma Department of Corrections, in place of former director, Joe Allbaugh, as Respondent. *See* Rule 2, *Rules Governing Section 2254 Cases in the United States District Court*.

² United States District Judge Charles Goodwin has referred this matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). *See* Doc. 3.

\$5 filing fee, *see* 28 U.S.C. § 1915(a)(1), the undersigned recommends that Petitioner's application be denied.

The undersigned further recommends the dismissal without prejudice of this action unless Petitioner pays the \$5 filing fee in full to the Clerk of Court within twenty-one (21) days of any order adopting this Report and Recommendation. *See* LCvR3.3(e).

The undersigned advises Petitioner that he may file an objection to this Report and Recommendation with the Clerk of Court **by August 16, 2019**. The undersigned further advises Petitioner that failure to timely object to this Report and Recommendation waives the right to appellate review of both the factual and legal issues contained herein. *See Moore v. United States*, 950 F. 2d 656, 659 (10th Cir. 1991).

The undersigned directs the Clerk of Court to transmit a copy of this Report and Recommendation through electronic mail to the Attorney General of the State of Oklahoma at the following address: fhc.docket@oag.ok.gov.

This Report and Recommendation disposes of all issues and terminates the referral to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 26th day of July, 2019.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE